THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19388 of 2006

27.4.2007

Between:

Pathi Bayyapu Reddy, S/o.Pedda Bayyapu Reddy

… Petitioner

AND

The Chief Executive Officer, Zilla Parishad, Kadapa

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19388 of 2006

ORDER:

The petitioner is allegedly voter in Cheemullapalli Village of Khajipeta Mandal in Kadapa District. In the panchayat elections one Besu Ramasubba Reddy got elected as unopposed as Member of Mandal Parishad Territorial Constituency, Cheemullapalli. He alleges that he is disqualified under Section 19(3) of Andhra Pradesh Panchayat Raj act, 1994 (the Act, for brevity) for having three children as on the ate of coming into force of the Act. Therefore, petitioner submitted a representation to respondent on 2.8.2006 and on 28.8.2006 to take necessary action under Section22 of the Act, in vain. In this writ petition, he seeks a direction to respondents to take necessary action on his representations.

The elected candidate is not a party to this writ petition. On this ground alone, writ petition is liable to be dismissed. Be that as it is, as per Section 156 (2) of the Act, Executive Authority for the purpose of Section 22 of the Act in the case of Mandal Parishad is the Mandal Parishad Development Officer. Therefore, if the application is not already disposed of, the same may be disposed of, after giving notice to the elected candidate.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 27, 2007.

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